



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462

(757) 518-2000 Fax (757) 518-2009

[www.deq.virginia.gov](http://www.deq.virginia.gov)

David K. Paylor  
Director

Maria R. Nold  
Regional Director

Molly Joseph Ward  
Secretary of Natural Resources

July 24, 2014

Mr. James Klickovich  
Director, Environmental Services  
Northern Regional Office  
Calpine Mid-Atlantic Generation LLC  
500 Delaware Avenue, Suite 600  
Wilmington, Delaware 19801

Location: Accomack County  
Registration No.: 40304  
AFS Id. No.: 51-001-00006

Dear Mr. Klickovich:

Attached is a permit to operate the Calpine Mid-Atlantic Generation LLC - Tasley Energy Center pursuant to 9 VAC 5 Chapter 80 of the Virginia Regulations for the Control and Abatement of Air Pollution. The permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and civil penalty. Therefore, please read all permit conditions carefully.

In evaluating the application and arriving at a final decision to issue this permit, the Department deemed the application complete on March 19, 2014, and solicited EPA comments by submitting the proposed permit to EPA Region III for review on Friday, May 30, 2014. The forty-five (45) day comment period (provided for in 9 VAC 5-80-210) expired on Tuesday, July 22, 2014, with no comments having been received by this office. This permit has an effective date of July 24, 2014, at which time this permit will replace your Title V permit dated September 21, 2009.

This approval to operate does not relieve Calpine Mid-Atlantic Generation LLC of the responsibility to comply with all other local, state, and federal permit regulations.

The Board's Regulations as contained in Title 9 of the Virginia Administrative Code 5-170-200 provide that you may request a formal hearing from this case decision by filing a petition with the Board within 30 days after this case decision notice was mailed or delivered to you. 9 VAC 5-170-200 provides that you may request direct consideration of the decision by the Board if the Director of the DEQ made the decision. Please consult the relevant regulations for additional requirements for such requests.


As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal of this decision by filing a Notice of Appeal with:

David K. Paylor, Director  
Department of Environmental Quality  
PO Box 1105  
Richmond, VA 23218-1105

If this permit was delivered to you by mail, three (3) days are added to the thirty-day period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for information on the required content of the Notice of Appeal and for additional requirements governing appeals from decisions of administrative agencies.

If you have any questions concerning this permit, please call James A. White Jr. by phone at (757) 518-2180 or by e-mail at [james.white@deq.virginia.gov](mailto:james.white@deq.virginia.gov).

Sincerely,



Troy D. Breathwaite  
Regional Air Permits Manager

TDB/JIM/40304\_007\_14\_CvrLtr\_T5Renewal\_CalpineMAG-Tasley Energy Center.docx

Attachments: Title V Permit

cc: Manager, Data Analysis (electronic file submission)  
Manager/Inspector, Air Compliance  
Chief, Air Enforcement Branch (3AP13), U.S. EPA, Region III (electronic file submission)



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## Federal Operating Permit Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1, and Chapter 140 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name: Calpine Mid-Atlantic Generation LLC  
Facility Name: Tasley Energy Center  
Facility Location: 21417 Taylor Road, Tasley, Virginia 23441 (Accomack County)

Registration Number: 40304  
Permit Number: TRO-40304

This permit includes the following programs:

**Federally Enforceable Requirements - Clean Air Act**

**Federally Enforceable Requirements - CAIR Requirements**

July 24, 2014

Effective Date

July 23, 2019

Expiration Date

Maria R. Nold  
Regional Director

July 24, 2014  
Signature Date

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## **Facility Information**

### **Permittee**

Calpine Mid-Atlantic Generation LLC  
500 Delaware Avenue, Suite 600  
Wilmington, Delaware 19801

### **Responsible Official**

Mr. James Klickovich  
Director, Environmental Services  
Northern Regional Office  
(302) 468-5310

### **Facility**

Tasley Energy Center  
21417 Taylor Road  
Tasley, Virginia 23441

### **Contact Person**

Mr. Greg Pikul  
Environmental Manager  
(302) 468-5311  
[Greg.pikul@calpine.com](mailto:Greg.pikul@calpine.com)

**County-Plant Identification Number:** 51-001-00006

**ORIS Code:** 3785

**NATS Facility Identification Number:** 003785 00TA10

**Facility Description:** North American Industry Classification System (NAICS) ID Code 221112 (Fossil Fuel Electric Power Generation), and Standard Industrial Classification (SIC) Code Number 4911 (Electric Power Generation). Calpine Mid-Atlantic Generation LLC's Tasley Energy Center provides peak electric power through the operation of one (1) combustion turbine with a nominal generation capacity of 33 megawatts (MW), a startup engine, a 504,000 gallon #2 distillate fuel oil storage tank, and a 1,650 gallon lubrication oil storage tank. In accordance with 40 CFR 75, Appendix E, the turbine uses parametric and fuel flow monitoring, not CEMS, for pollutant measuring.

On July 1, 2010, the Connecticut Delmarva Generation, Inc. Tasley electric power generation facility was purchased by the current owner, Calpine Mid-Atlantic Generation LLC with the facility's name having been changed to Tasley Energy Center.

## Emission Units

Equipment to be operated consists of:

Emission Unit Ref. No. (URN)	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
TA10	ST10	One (1) - 33 MW Westinghouse Model No. W-251B Simple Cycle Combustion Turbine, fired with #2 Distillate Fuel Oil, and installed in June 1972	460 MMBTU/hr, nominal**	None	NA	None	November 2, 1999
TA20	ST20	One (1) - 635 HP Cummins Model No. V1710 Black-start Compression Ignition RICE, fired with #2 Distillate Fuel Oil, and installed in June 1972	4.64 MMBTU/hr, nominal**	None	NA	None	November 2, 1999

\* The Size/Rated Capacity is provided for informational purposes only, and is not an applicable requirement.

\*\* Rated at ISO Conditions, base load (0°F, base load), using HHV of the fuel.

## Fuel Burning Equipment Requirements - (Emission Unit TA10)

1. **Fuel Burning Equipment Requirements - (URN TA10) - Limitations** - The approved fuel for the combustion turbine (URN TA10) is distillate oil. Distillate oil is defined as fuel oil that meets the specifications for fuel oil grades 1 or 2 under the American Society for Testing and Materials, ASTM D396 "Standard Specification for Fuel Oils." A change in the fuel may require a permit to modify and operate.  
(9 VAC 5-80-110)
2. **Fuel Burning Equipment Requirements - (URN TA10) - Limitations** - The sulfur content associated with the number 1 and 2 distillate oil fuels shall be 0.5 % or less (by weight).  
(9 VAC 5-40-990 and 9 VAC 5-80-110)
3. **Fuel Burning Equipment Requirements - (URN TA10) - Limitations** - The permittee shall obtain a certification from each fuel supplier that the sulfur content conforms to the ASTM D 396 specification for distillate fuels that are purchased for use at the facility. In addition, the following information shall be maintained:
  - a. The name of the fuel supplier;
  - b. The date on which the distillate oil was received;
  - c. The volume of distillate oil delivered in the shipment; and
  - d. The sulfur content of the distillate fuel oil sample.  
(9 VAC 5-80-410 and 9 VAC 5-80-110)
4. **Fuel Burning Equipment Requirements - (URN TA10) - Limitations** - Emissions from the operation of the simple cycle combustion turbine (URN TA10) shall not exceed the limits specified below:

Regulated Pollutant	Limits (or Standards)		Applicable Requirements
	E, lb/ MMBtu*	lb/hr**	
PM	$2.2 \times 10^{-1}$	$1.0 \times 10^2$	9 VAC 5-40-900, -990
SO <sub>2</sub>	---	$1.2 \times 10^3$	9 VAC 5-40-930, -990

\* PM limit, E (lb/MMBTU) =  $1.0906 K^{-0.2594}$ , where K = 460 MMBTU/hr heat input

\*\* PM limit (lb/hr) = KE, where K = 460 MMBTU/hr

SO<sub>2</sub> limit (lb/hr) = 2.64 K, where K = 460 MMBTU/hr

(9 VAC 5-40-900 and 9 VAC 5-80-110)

5. **Fuel Burning Equipment Requirements - (URN TA10) - Limitations** - Unless specified otherwise in this part, no owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than twenty (20) percent opacity, except during one six-minute period in any one hour in which visible emissions shall not exceed sixty (60) percent opacity. Failure to meet the requirements of this condition because of the presence of water vapor shall not be a violation of this condition. Compliance with the visible emissions standard shall be demonstrated by proper operation and maintenance of the emission unit, periodic visual emission observations, and by associated recordkeeping.  
(9 VAC 5-40-20, 9 VAC 5-40-80, and 9 VAC 5-80-110)

6. **Fuel Burning Equipment Requirements - (URN TA10) - Monitoring** - The source shall use combustion gas temperature monitoring, telemetry, and alarm notification systems to maintain efficient combustion during all periods of operation (both manned and unmanned), to minimize the likelihood of excessive visible emissions from emission point ST10.  
(9 VAC 5-40-100 and 9 VAC 5-80-110)

7. **Fuel Burning Equipment Requirements - (URN TA10) - Visible Emissions Evaluations** - Visible emissions evaluations (VEE) in accordance with 40 CFR 60 Appendix A, Method 9 shall be performed at the following frequency for the combustion turbine TA10 and shall be conducted during the period of maximum expected visible emissions under normal unit and facility operations:

Number of Hours of Unit Operation in a Calendar Year	Number of Observations Required per Calendar Year
≤ 500 hours	1
> 500 hours	2

(9 VAC 5-40-110)

8. **Fuel Burning Equipment Requirements - (URN TA10) - Recordkeeping** - To minimize the potential, duration, and frequency of visible emissions, due to malfunctions or abnormal operation of process equipment, the permittee shall:

- Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance; and
- Maintain an inventory of spare parts that are needed to minimize the potential for visible emissions.  
(9 VAC 5-80-110)

9. **Fuel Burning Equipment Requirements - (URN TA10) - Recordkeeping** - The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:

- Type and sulfur content of the fuel combusted in the combustion turbine (URN TA10), as received from the supplier;
- Operating hours of the combustion turbine (URN TA10), updated monthly;
- Particulate matter emission rates, in lb/MMBTU and lb/hr, and sulfur dioxide (SO<sub>2</sub>) emission rate, in lb/hr, calculated by:
  - Monthly calculations for the following calendar year, when fuel sulfur content in any delivery exceeds 0.4 % by weight; and
  - Annual emissions inventory statements that are submitted to the Department, and/or through periodic calculations/information that the Department may request to validate these data.
- Records for each of each visible emissions observation and visible emissions evaluation, including any data required by 40 CFR 60 Appendix A, or Method 9; and at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer; and
- Records for the combustion gas temperature monitoring alarms that indicated the potential for excess visible emissions during remote operations.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-40-50, 9 VAC 5-40-1010, and 9 VAC 5-80-110 F)



## Fuel Burning Equipment Requirements - (Emission Unit TA20)

10. **Fuel Burning Equipment Requirements - (URN TA20) - Limitations** - The approved fuel for the stationary black-start Combustion Ignition (CI) Reciprocating Internal Combustion Engine (RICE) is distillate fuel oil. Distillate oil is defined as fuel oil that meets the specifications for fuel oil grades 1 or 2 under the American Society for Testing and Materials, ASTM D396 "Standard Specification for Fuel Oils." A change in the fuel may require a permit to modify and operate.  
(9 VAC 5-80-110)
11. **Fuel Burning Equipment Requirements - (URN TA20) - Limitations** - The sulfur content associated with the number 1 and 2 distillate oil fuels shall be less than or equal to that specified in the ASTM D 396 specification for distillate fuels.  
(9 VAC 5-40-990 and 9 VAC 5-80-110)
12. **Fuel Burning Equipment Requirements - (URN TA20) - Limitations** - The permittee shall obtain a certification from each fuel supplier that the sulfur content conforms to the ASTM D 396 specification for distillate fuels that are purchased for use at the facility. In addition, the following information shall be maintained:
- The name of the fuel supplier;
  - The date on which the distillate oil was received;
  - The volume of distillate oil delivered in the shipment; and
  - The sulfur content of the distillate fuel oil sample.
- (9 VAC 5-80-410 and 9 VAC 5-80-110)
13. **Fuel Burning Equipment Requirements - (URN TA20) - Limitations** - Sulfur dioxide (SO<sub>2</sub>) emissions from the operation of the stationary black-start CI RICE (URN TA20) shall not exceed the limits specified below:

Regulated Pollutant	Limit (or Standard), lb/hr*	Applicable Requirement
SO <sub>2</sub>	1.2 x 10 <sup>1</sup>	9 VAC 5-40-280 B.1.a. and -370

\* SO<sub>2</sub> limit (lb/hr) = 2.64 K, where K = 4.64 MMBTU/hr heat input capacity

- (9 VAC 5-40-990 and 9 VAC 5-80-110)
14. **Fuel Burning Equipment Requirements - (URN TA20) - MACT Subpart ZZZZ** - The permittee shall comply with all applicable provisions of 40 CFR 63, Subpart ZZZZ (National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines) regarding the emission limitations, operating limitations, and other requirements for the stationary black-start CI RICE (URN TA20). The permittee shall refer to the most current version of the Federal regulations for additional or revised requirements not included in this permit.  
(9 VAC 5-80-100, 9 VAC 5-80-110, and 40 CFR 63, Subpart ZZZZ)
15. **Fuel Burning Equipment Requirements - (URN TA20) - MACT Subpart ZZZZ** - The stationary black-start CI RICE (URN TA20) shall comply with the applicable requirements in Table 2b and Table 2d of 40 CFR 63, Subpart ZZZZ, except for engine startups. During periods of startup, the engine's time spent at idle must be minimized and the startup time for the CI engine be minimized to a period needed for appropriate and safe engine loading, not to exceed 30 minutes, after which time the non-startup emission limitations shall apply.  
(9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.6625(h))

**16. Fuel Burning Equipment Requirements - (URN TA20) - MACT Subpart ZZZZ -** For the stationary black-start CI RICE (URN TA20) the permittee shall:

- a. Operate and maintain the CI RICE and after-treatment control device (if equipped) according to the engine manufacturer's written instructions or develop a maintenance plan that provides for the maintenance and operation of the CI RICE in a manner consistent with good air pollution control practice for minimizing emissions; and
- b. As an option, an oil analysis program may be utilized by the permittee in order to extend the specified oil change requirement. The oil analysis program shall be performed according to the requirements specified in 40 CFR 63.6625(i).  
(9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.6625(e and i))

**17. Fuel Burning Equipment Requirements - (URN TA20) - Recordkeeping -** The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:

- a. The type and sulfur content of the fuel combusted in the stationary black-start engine (URN TA20);
- b. Sulfur dioxide (SO<sub>2</sub>) emission rate, in lb/hr, calculated by annual emissions inventory statements that are submitted to the Department, and/or by periodic calculations/information that the Department may request to validate these data; and
- c. Maintenance and malfunction records for the stationary black-start CI RICE (URN TA20) shall be kept. The records shall include the hours for maintenance conducted on the engine and after-treatment control device (if equipped) in order to demonstrate that the engine was operated and maintained in accordance with the permittee's maintenance plan. The records shall be kept in accordance with the requirements listed in 40 CFR 63.6660.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-40-50, 9 VAC 5-40-390, 9 VAC 5-80-110 F, 40 CFR 63.6655, 40 CFR 63.6660, and 40 CFR 63.10(b)(1))

## Insignificant Emission Units

**18. Insignificant Emission Units -** The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit Ref. No. (URN)	Emission Unit Description	Citation	Pollutant Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
TA100	Distillate Fuel Oil Storage Tank	9 VAC 5-80-720.B.2	VOC	504,000 gallons
TA101	Lube Oil Storage Tank	9 VAC 5-80-720.B.2	VOC	1,650 gallons
HPWI Fog Intercooling System	Inlet air fog-atomizing evaporative cooling system	9 VAC 5-80-720.B.1	None	---

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

(9 VAC 5-80-729 and 9 VAC 5-80-110)

## Permit Shield & Inapplicable Requirements

- 19. Permit Shield & Inapplicable Requirements** - Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
Federal NSPS Subpart GG	Stationary Gas Turbine Standards	Federal NSPS, Subpart GG, does not apply to the simple cycle combustion turbine (URN TA10). It was constructed before, and not modified or rebuilt after, the Subpart's applicability date of October 3, 1977.
Federal NSPS Subpart IIII	Stationary CI ICE Standards	Federal NSPS, Subpart IIII, does not apply to the CI RICE (URN TA20). It was constructed before, and not modified or rebuilt after, the Subpart's applicability date of July 11, 2005.
Federal NSPS Subpart Kb	Storage Tank Standards	Federal NSPS, Subpart Kb, does not apply to the two (2) oil storage tanks TA100 and TA101. Fuel oil storage tank TA100 was installed before, and not modified after, the 1984 applicability date for that standard. Lubrication oil storage tank TA101 has a maximum capacity of less than 10,000 gallons.
Article 4 in Chapter 40 Part II	Particulate Standards	The particulate standard in Article 4 of Chapter 40, Part II, of state regulations does not apply to internal combustion engine TA20, because the definition of process weight excludes liquid fuels. (The standard for SO <sub>2</sub> in Article 4 does apply to TA20, however.)
Article 8 in Chapter 40 Part II	Fuel Burning Equipment Standards	Article 8 in Chapter 40, Part II, of state regulations does not apply to internal combustion engine TA20.
Article 37 in Chapter 40 Part II	Storage Tank Standards	Article 37 in Chapter 40, Part II, of state regulations does not apply to storage tanks TA100 and TA101. The vapor pressures of fuel oil in tank TA100, and lubrication oil in tank TA101, are both below the article's applicability threshold of 1.5 psia for any liquid in service by a storage tank.
40 CFR 64	Compliance Assurance Monitoring	CAM Rule is applicable only to emissions units that use add-on control devices to achieve compliance with one or more emissions limitations. The existing source equipment at this facility use no add-on control devices.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.  
(9 VAC 5-80-140)

## General Conditions

- 20. General Conditions - Federal Enforceability** - All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.  
(9 VAC 5-80-110 N)
- 21. General Conditions - Permit Expiration** - This permit has a fixed term of five (5) years. The expiration date shall be the date five (5) years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.  
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

22. **General Conditions - Permit Expiration** - The owner shall submit an application for renewal at least six (6) months but no earlier than eighteen (18) months prior to the date of permit expiration.  
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
23. **General Conditions - Permit Expiration** - If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.  
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
24. **General Conditions - Permit Expiration** - No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.  
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
25. **General Conditions - Permit Expiration** - If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.  
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
26. **General Conditions - Permit Expiration** - The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.  
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
27. **General Conditions - Recordkeeping and Reporting** - All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
- a. The date, place as defined in the permit, and time of sampling or measurements;
  - b. The date(s) analyses were performed;
  - c. The company or entity that performed the analyses;
  - d. The analytical techniques or methods used;
  - e. The results of such analyses; and
  - f. The operating conditions existing at the time of sampling or measurement.
- (9 VAC 5-80-110 F)
28. **General Conditions - Recordkeeping and Reporting** - Records of all monitoring data and support information shall be retained for at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.  
(9 VAC 5-80-110 F)

- 29. General Conditions - Recordkeeping and Reporting** - The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
- The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31;
  - All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
    - Exceedance of emissions limitations or operational restrictions;
    - Excursions from control device operating parameter requirements, as documented by continuous emission monitoring or periodic monitoring which indicates an exceedance of emission limitations or operational restrictions; or
    - Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit; and
  - If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."  
(9 VAC 5-80-110 F)
- 30. General Conditions - Annual Compliance Certification** - Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** of each calendar year, a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
- The time period included in the certification. The time period to be addressed is January 1 to December 31;
  - The identification of each term or condition of the permit that is the basis of the certification;
  - The compliance status;
  - Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance;
  - Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period;
  - Such other facts as the permit may require to determine the compliance status of the source; and
  - One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:
  - R3 APD Permits@epa.gov.  
(9 VAC 5-80-110 K.5)

31. **General Conditions - Permit Deviation Reporting** - The permittee shall notify the Director, Tidewater Regional Office within four (4) daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to Condition 32 of this permit.  
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)
32. **General Conditions - Failure/Malfunction Reporting** - In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four (4) daytime business hours after the malfunction is discovered, notify the Director, Tidewater Regional Office by facsimile transmission, telephone or electronic mail of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Tidewater Regional Office.  
(9 VAC 5-20-180 C)
33. **General Conditions - Failure/Malfunction Reporting** - The emission units that have continuous monitors subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not subject to the 14 day written notification.  
(9 VAC 5-20-180 C)
34. **General Conditions - Failure/Malfunction Reporting** - The emission units subject to the reporting and the procedure requirements of 9 VAC 5-40-50 C and the procedures of 9 VAC 5-50-50 C are listed below:
- a. Combustion Turbine (URN TA10).  
(9 VAC 5-20-180 C)
35. **General Conditions - Failure/Malfunction Reporting** - Each owner required to install a continuous monitoring system (CMS) or monitoring device subject to 9 VAC 5-40-41 or 9 VAC 5-50-410 shall submit a written report of excess emissions (as defined in the applicable subpart) to the board for every calendar quarter. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter. All reports shall include the following information:
- a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h) or 9 VAC 5-40-41 B.6, any conversion factors used, and the date and time of commencement and completion of each period of excess emissions;
  - b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the source. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted;
  - c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and

- d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in the report.  
(9 VAC 5-20-180 C)
36. **General Conditions - Failure/Malfunction Reporting** - All malfunctions of emission units not subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C require written reports within 14 days of the discovery of the malfunction.  
(9 VAC 5-20-180 C and 9 VAC 5-40-50)
37. **General Conditions - Severability** - The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.  
(9 VAC 5-80-110 G.1)
38. **General Conditions - Duty to Comply** - The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.  
(9 VAC 5-80-110 G.2)
39. **General Conditions - Need to Halt or Reduce Activity not a Defense** - It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.  
(9 VAC 5-80-110 G.3)
40. **General Conditions - Permit Modification** - A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.  
(9 VAC 5-80-190 and 9 VAC 5-80-260)
41. **General Conditions - Property Rights** - The permit does not convey any property rights of any sort, or any exclusive privilege.  
(9 VAC 5-80-110 G.5)
42. **General Conditions - Duty to Submit Information** - The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.  
(9 VAC 5-80-110 G.6)
43. **General Conditions - Duty to Submit Information** - Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.  
(9 VAC 5-80-110 K.1)

- 44. General Conditions - Duty to Pay Permit Fees** - The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.  
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)
- 45. General Conditions - Fugitive Dust Emission Standards** - During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:
- a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
  - b. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
  - c. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
  - d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and
  - e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.  
(9 VAC 5-40-90)
- 46. General Conditions - Startup, Shutdown, and Malfunction** - At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.  
(9 VAC 5-40-20 E)
- 47. General Conditions - Alternative Operating Scenarios** - Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.  
(9 VAC 5-80-110 J)



- 48. General Conditions - Inspection and Entry Requirements** - The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:
- Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit;
  - Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit;
  - Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
  - Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
- (9 VAC 5-80-110 K.2)
- 49. General Conditions - Reopening For Cause** - The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three (3) years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F. The conditions for reopening a permit are as follows:
- The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;
  - The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements; and
  - The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.
- (9 VAC 5-80-110 L)
- 50. General Conditions - Permit Availability** - Within five (5) days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
- (9 VAC 5-80-150 E)
- 51. General Conditions - Transfer of Permits** - No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
- (9 VAC 5-80-160)
- 52. General Conditions - Transfer of Permits** - In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
- (9 VAC 5-80-160)
- 53. General Conditions - Transfer of Permits** - In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
- (9 VAC 5-80-160)

- 54. General Conditions - Malfunction as an Affirmative Defense** - A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of Condition 55 are met.  
(9 VAC 5-80-250)
- 55. General Conditions - Malfunction as an Affirmative Defense** - The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
- A malfunction occurred and the permittee can identify the cause or causes of the malfunction;
  - The permitted facility was at the time being properly operated;
  - During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
  - The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.  
(9 VAC 5-80-250)
- 56. General Conditions - Malfunction as an Affirmative Defense** - In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.  
(9 VAC 5-80-250)
- 57. General Conditions - Malfunction as an Affirmative Defense** - The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.  
(9 VAC 5-80-250)
- 58. General Conditions - Permit Revocation or Termination for Cause** - A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.  
(9 VAC 5-80-190 C and 9 VAC 5-80-260)
- 59. General Conditions - Duty to Supplement or Correct Application** - Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.  
(9 VAC 5-80-80 E)

60. **General Conditions - Stratospheric Ozone Protection** - If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.  
(40 CFR Part 82, Subparts A - F)
61. **General Conditions - Accidental Release Prevention** - If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.  
(40 CFR Part 68)
62. **General Conditions - Changes to Permits for Emissions Trading** - No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.  
(9 VAC 5-80-110 I)
63. **General Conditions - Emissions Trading** - Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:
- a. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
  - b. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
  - c. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.
- (9 VAC 5-80-110 I)

## **Clean Air Interstate Rule (CAIR)**

64. The permittee shall comply with all applicable CAIR requirements contained in 9 VAC 5 Chapter 140 Parts II, III, IV, and VI (9 VAC 5-140-1010 et seq., 9 VAC 5-140-2010 et seq., 9 VAC 5-140-3010 et seq., 9 VAC 5-140-5010 et seq., and 40 CFR Part 96) by the compliance date in the respective Part of 9 VAC 5 Chapter 140, as contained in the CAIR Permit. The CAIR Permit Application is **Attachment B** to this document and expires upon the expiration of this Title V permit.  
(9 VAC 5-80-490, 40 CFR Part 96, and 9 VAC 5 Chapter 140)



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**CAIR PERMIT APPLICATION**

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## Page 1

**STEP 1**  
Identify the source  
by plant name,  
State, and ORIS or  
facility code

Plant Name	Tasley Energy Center	State	VA	ORIS/Facility Code	3785
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[illegible]

## Standard Requirements

(1) The CAIR designated representative of each CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) required to have a title V operating permit and each CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) required to have a title V operating permit at the source shall:

(i) Submit to the permitting authority a complete CAIR permit application under §96.122, §96.222, and §96.322 (as applicable) in accordance with the deadlines specified in §96.121, §96.221, and §96.321 (as applicable); and

(ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review a CAIR permit application and issue or deny a CAIR permit.

(2) The owners and operators of each CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) required to have a title V operating permit and each CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) required to have a title V operating permit at the source shall have a CAIR permit issued by the permitting authority under subpart CC, CCC, and CCCC (as applicable) of 40 CFR part 98 for the source and operate the source and the unit in compliance with such CAIR permit.

(3) Except as provided in subpart II, III, and IIII (as applicable) of 40 CFR part 96, the owners and operators of a CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) that is not otherwise required to have a title V operating permit and each CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) that is not otherwise required to have a title V operating permit are not required to submit a CAIR permit application, and to have a CAIR permit, under subpart CC, CCC, and CCCC (as applicable) of 40 CFR part 96 for such CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) and such CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable).

STEP 3,  
continued

(b) Monitoring, reporting, and recordkeeping requirements.

(1) The owners and operators, and the CAIR designated representative, of each CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) and each CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) at the source shall comply with the monitoring, reporting, and recordkeeping requirements of subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96.

(2) The emissions measurements recorded and reported in accordance with subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96 shall be used to determine compliance by each CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) with the CAIR NO<sub>x</sub> emissions limitation, CAIR SO<sub>2</sub> emissions limitation, and CAIR NO<sub>x</sub> Ozone Season emissions limitation (as applicable) under paragraph (c) of §96.106, §96.206, and §96.306 (as applicable).

(c) Nitrogen oxides emissions requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO<sub>x</sub> source and each CAIR NO<sub>x</sub> unit at the source shall hold, in the source's compliance account, CAIR NO<sub>x</sub> allowances available for compliance deductions for the control period under §96.154(a) in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO<sub>x</sub> units at the source, as determined in accordance with subpart HH of 40 CFR part 96.

(2) A CAIR NO<sub>x</sub> unit shall be subject to the requirements under paragraph (c)(1) of §96.106 for the control period starting on the later of January 1, 2009 or the deadline for meeting the unit's monitor certification requirements under §96.170(b)(1), (2), or (5) and for each control period thereafter.

(3) A CAIR NO<sub>x</sub> allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of §96.106, for a control period in a calendar year before the year for which the CAIR NO<sub>x</sub> allowance was allocated.

(4) CAIR NO<sub>x</sub> allowances shall be held in, deducted from, or transferred into or among CAIR NO<sub>x</sub> Allowance Tracking System accounts in accordance with subparts FF, GG, and II of 40 CFR part 96.

(5) A CAIR NO<sub>x</sub> allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO<sub>x</sub> Annual Trading Program. No provision of the CAIR NO<sub>x</sub> Annual Trading Program, the CAIR permit application, the CAIR permit, or an exemption under §96.105 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

(6) A CAIR NO<sub>x</sub> allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart EE, FF, GG, or II of 40 CFR part 96, every allocation, transfer, or deduction of a CAIR NO<sub>x</sub> allowance to or from a CAIR NO<sub>x</sub> source's compliance account is incorporated automatically in any CAIR permit of the source that includes the CAIR NO<sub>x</sub> unit.

Sulfur dioxide emission requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit at the source shall hold, in the source's compliance account, a tonnage equivalent of CAIR SO<sub>2</sub> allowances available for compliance deductions for the control period under §96.254(a) and (b) not less than the tons of total sulfur dioxide emissions for the control period from all CAIR SO<sub>2</sub> units at the source, as determined in accordance with subpart HHH of 40 CFR part 96.

(2) A CAIR SO<sub>2</sub> unit shall be subject to the requirements under paragraph (c)(1) of §96.206 for the control period starting on the later of January 1, 2010 or the deadline for meeting the unit's monitor certification requirements under §96.270(b)(1), (2), or (5) and for each control period thereafter.

(3) A CAIR SO<sub>2</sub> allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of §96.206, for a control period in a calendar year before the year for which the CAIR SO<sub>2</sub> allowance was allocated.

(4) CAIR SO<sub>2</sub> allowances shall be held in, deducted from, or transferred into or among CAIR SO<sub>2</sub> Allowance Tracking System accounts in accordance with subparts FFF, GGG, and III of 40 CFR part 96.

(5) A CAIR SO<sub>2</sub> allowance is a limited authorization to emit sulfur dioxide in accordance with the CAIR SO<sub>2</sub> Trading Program. No provision of the CAIR SO<sub>2</sub> Trading Program, the CAIR permit application, the CAIR permit, or an exemption under §96.205 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

(6) A CAIR SO<sub>2</sub> allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart FFF, GGG, or III of 40 CFR part 96, every allocation, transfer, or deduction of a CAIR SO<sub>2</sub> allowance to or from a CAIR SO<sub>2</sub> source's compliance account is incorporated automatically in any CAIR permit of the source that includes the CAIR SO<sub>2</sub> unit.

Nitrogen oxides ozone season emissions requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall hold, in the source's compliance account, CAIR NO<sub>x</sub> Ozone Season allowances available for compliance deductions for the control period under §96.354(a) in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO<sub>x</sub> Ozone Season units at the source, as determined in accordance with subpart HHHH of 40 CFR part 96.

(2) A CAIR NO<sub>x</sub> Ozone Season unit shall be subject to the requirements under paragraph (c)(1) of §96.306 for the control period starting on the later of May 1, 2009 or the deadline for meeting the unit's monitor certification requirements under §96.370(b)(1), (2), (3) or (7) and for each control period thereafter.

(3) A CAIR NO<sub>x</sub> Ozone Season allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of §96.306, for a control period in a calendar year before the year for which the CAIR NO<sub>x</sub> Ozone Season allowance was allocated.

(4) CAIR NO<sub>x</sub> Ozone Season allowances shall be held in, deducted from, or transferred into or among CAIR NO<sub>x</sub> Ozone Season Allowance Tracking System accounts in accordance with subparts FFFF, GGGG, and IIII of 40 CFR part 96.

(5) A CAIR NO<sub>x</sub> allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO<sub>x</sub> Ozone Season Trading Program. No provision of the CAIR NO<sub>x</sub> Ozone Season Trading Program, the CAIR permit application, the CAIR permit, or an exemption under §96.305 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

(6) A CAIR NO<sub>x</sub> allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart EEEE, FFFF, GGGG, or IIII of 40 CFR part 96, every allocation, transfer, or deduction of a CAIR NO<sub>x</sub> Ozone Season allowance to or from a CAIR NO<sub>x</sub> Ozone Season source's compliance account is incorporated automatically in any CAIR permit of the source.

**STEP 3,  
continued**

**(d) Excess emissions requirements.**

If a CAIR NO<sub>x</sub> source emits nitrogen oxides during any control period in excess of the CAIR NO<sub>x</sub> emissions limitation, then:

- (1) The owners and operators of the source and each CAIR NO<sub>x</sub> unit at the source shall surrender the CAIR NO<sub>x</sub> allowances required for deduction under §96.154(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and
- (2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

If a CAIR SO<sub>2</sub> source emits sulfur dioxide during any control period in excess of the CAIR SO<sub>2</sub> emissions limitation, then:

- (1) The owners and operators of the source and each CAIR SO<sub>2</sub> unit at the source shall surrender the CAIR SO<sub>2</sub> allowances required for deduction under §96.254(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and
- (2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

If a CAIR NO<sub>x</sub> Ozone Season source emits nitrogen oxides during any control period in excess of the CAIR NO<sub>x</sub> Ozone Season emissions limitation, then:

- (1) The owners and operators of the source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall surrender the CAIR NO<sub>x</sub> Ozone Season allowances required for deduction under §96.354(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and
- (2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

**(e) Recordkeeping and Reporting Requirements.**

(1) Unless otherwise provided, the owners and operators of the CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) and each CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the permitting authority or the Administrator.

(i) The certificate of representation under §96.113, §96.213, and §96.313 (as applicable) for the CAIR designated representative for the source and each CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under §96.113, §96.213, and §96.313 (as applicable) changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96, provided that to the extent that subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96 provides for a 3-year period for recordkeeping, the 3-year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable).

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable) or to demonstrate compliance with the requirements of the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable).

(2) The CAIR designated representative of a CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) and each CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) at the source shall submit the reports required under the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable) including those under subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96.

**(f) Liability.**

(1) Each CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) and each NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) shall meet the requirements of the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable).

(2) Any provision of the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable) that applies to a CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) or the CAIR designated representative of a CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) shall also apply to the owners and operators of such source and of the CAIR NO<sub>x</sub> units, CAIR SO<sub>2</sub> units, and CAIR NO<sub>x</sub> Ozone Season units (as applicable) at the source.

(3) Any provision of the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable) that applies to a CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) or the CAIR designated representative of a CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) shall also apply to the owners and operators of such unit.

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STEP 3,  
continued

(g) Effect on Other Authorities

No provision of the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable), a CAIR permit application, a CAIR permit, or an exemption under § 96.105, §96.205, and §96.305 (as applicable) shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) or CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) from compliance with any other provision of the applicable, approved State Implementation plan, a federally enforceable permit, or the Clean Air Act.

**Certification**

I am authorized to make this submission on behalf of the owners and operators of the source or units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name James Klickovich

Signature 

Date

3/18/2014